



Government of Western Australia
Department of Training
and Workforce Development

PUBLIC INTEREST DISCLOSURE POLICY

EFFECTIVE: 11 FEBRUARY 2019

VERSION: 6.0

CONTENTS

POLICY STATEMENT	2
SCOPE	2
PRINCIPLES	2
BACKGROUND	2
DEFINITIONS	3
PROCEDURES.....	4
RELEVANT LEGISLATION.....	4
REVIEW DATE	4
CONTACT INFORMATION.....	4

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Training and Workforce Development employees.

POLICY STATEMENT

The Department of Training and Workforce Development (the Department) is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). It recognises the value and importance of contributions of all Department employees to enhance administrative and management practices, and strongly supports disclosures being made by Department employees as to corrupt or other improper conduct.

The Department will take all reasonable steps to provide protection to employees who make disclosures from any detrimental action for the making of a public interest disclosure (PID) and will not tolerate any of its employees engaging in acts of victimisation or reprisal against those who make public interest disclosures.

SCOPE

This policy applies to all Department employees, public sector contractors, and any person making a disclosure to the Department relating to a matter of public interest information where the discloser prefers that their identity remains confidential to protect them from victimisation or other reprisal by reporting an issue.

Where the employee doesn't feel the threat of victimisation, reprisal, or other adverse action from reporting corruption, or other improper behaviour, individuals also have the option to report the matter to an available senior officer, or the Assistant Director Labour Relations, as required under the Code of Conduct.

PRINCIPLES

The Department will:

- facilitate the disclosure of public interest information for all employees, public sector contractors, and any other person making a disclosure to the Department relating to a matter of public interest information;
- provide protection for persons who make a disclosure to the Department and those who are the subject of disclosures;
- provide remedies for acts of reprisal and victimisation that occur substantially because a person has made a disclosure; and
- develop and maintain procedures relating to public interest disclosures in accordance with the PID Act and the Public Sector Commission Guidelines.

BACKGROUND

The PID Act promotes accountability within government agencies and organisations by facilitating the disclosure of public interest information involving misconduct, offences, misuse of public resources or risks to public health or safety. The Act also further protects a discloser who makes a public interest disclosure to an appropriate authority and those who are subject to disclosures.

The Department is committed to facilitating the disclosure of public interest information. This policy and the procedures fully inform employees and members of the public of the process involved in disclosing information, and the rights, obligations and protections afforded to those who either make a disclosure or who are subject of a disclosure.

Appropriate disclosures of public interest information can only be made to a proper authority. Public Interest Disclosure (PID) Officers are a proper authority for the purposes of the PID Act and offer an avenue for receiving and resolving serious complaints and assist the Department to identify problems and to make necessary changes.

DEFINITIONS

Department employee

Persons employed by the Department of Training and Workforce Development.

Discloser

A person who makes a public interest disclosure. A discloser may be anonymous.

Public Interest Disclosure Officer (PIDO)

An employee authorised under Section 23(1)(a) of the Act as a proper authority for disclosure of information relating to a matter falling within the sphere of responsibility of the Department.

Public Interest Disclosure (PID)

A public interest disclosure is made when a person discloses to a proper authority information that tends to show past, present or proposed future improper conduct of a Department employee in the exercise of a public function.

Public interest information

Public interest information is information that tends to show, in relation to its performance of a public function (either before or after the commencement of the Act), the Department, a Department employee or a public sector contractor is, has been or proposes to be, involved in:

- improper conduct;
- an act or omission that constitutes an offence under a written law;
- a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources;
- an act done or omission that involves a substantial and specific risk of injury to public health, prejudice to public safety, or harm to the environment; or
- a matter of administration that can be investigated under Section 14 of the *Parliamentary Commissioner Act 1971*.

Public sector contractor

A public sector contractor is a person who, other than a Department employee, contracts with the Department or State of Western Australia, to supply goods or services to the Department or State; a person, other than an Department employee, who contracts with the Department to perform a public function; and a subcontractor, who contracts with another person for the execution of the whole or part of the requirements of a contract as referred to.

PROCEDURES

The Public Interest Disclosure Procedure Manual contains all the procedures to be followed and which form part of this policy.

RELEVANT LEGISLATION

- *Public Interest Disclosure Act 2003*
- *Public Interest Disclosure Regulations 2003*
- *Corruption, Crime and Misconduct Act 2003*
- *Public Sector Management Act 1994*
- *Equal Opportunity Act 1984*
- *Parliamentary Commissioner Act 1971*

REVIEW DATE

11 February 2021

CONTACT INFORMATION

Human Resources
Corporate